

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 7-19 are now in the application. Claims 1, 10, and 11 have been amended.

New dependent claims 15-18 and new independent claim 19 have been added.

Support for the features of the new claims is found in the instant application at page 8, lines 21-30, page 9, lines 22-37, page 10, lines 1-7 of the specification, and in the instant drawings.

In item 3 under Claim Rejections – 35 USC § 102 on page 2 of the above-identified Office Action, claims 7-13 have been rejected as being anticipated by Peek et al. (US 2,790,095) (hereinafter “Peek”) under 35 U.S.C. § 102(b).

The claims have been amended to more clearly recite the present invention and patentably define over the cited prior art.

Claims 7 and 11 have been amended to recite that the first blocking device only limits rotatability of the output shaft in a first direction of rotation, in addition to the limitation that the only movement of the output shaft is a rotary movement in first and second directions of movement with the second direction being opposite to that of the first direction.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 7 calls for, *inter alia*, a drive device, having:

a rotatable input shaft and a rotatable output shaft;
a magnetic coupling connecting the input shaft and the output shaft,
the magnetic coupling having at least two magnet pairs and **enabling a reversal in direction of rotation between the input shaft and the output shaft;**

a first blocking device disposed only to limit a rotatability of the output shaft in a first direction of rotation and the first blocking device being operational, and as a function of magnetic forces emanating from said magnetic coupling, to cause the output shaft to rotate in a second direction of rotation opposite to the first direction of rotation, and the output shaft having only rotational movement in the first and second directions. (emphasis added)

The previous arguments for patentability of claim 7 of the instant application, presented in applicants' response dated May 4, 2009 are equally applicable in this instance and are incorporated herein by reference. Further, claim 7 now recites that the first blocking device only limits rotatability of the output shaft. There is no reciprocating movement.

The Peek reference discloses a device for converting a rotational movement into reciprocating movement.

According to the present claimed invention the input shaft and the output shaft are mounted to rotate. A rotational movement of the input shaft is first performed in a first direction. The output shaft has only a rotational movement. After abutment of the output shaft against the blocking device, the rotational movement is reversed and the output shaft rotates opposite to the first direction. The output shaft only has rotary movement. The blocking effect of the blocking device is operational only in a single rotational direction and the blocking device is no longer effective when the shaft rotates in the opposite direction.

As previously explained, Peek discloses a conversion of a rotational movement into a reciprocating movement, so that there is no drive which transfers a rotational movement into a rotational movement as recited in the instant claims. Peek discloses that the output shaft has a reciprocating movement as further explained hereinbelow. The claimed drive device has no reciprocating movement.

The Examiner is still of the opinion that Peek anticipates the present claimed invention. Applicants respectfully disagree with the Examiner's conclusions for the reasons discussed below.

The Examiner, in particular, points to Figs. 1 and 2 of Peek and to the blocking devices 6, 7 therein. Regarding the blocking device 7, column 2, lines 7-9 describes that the blocking device 7 is a rotation-preventing diaphragm 7. This clearly explains how rotational movement is blocked.

As described in column 1, lines 63-64, the blocking elements 6, 6' of Fig. 1 are tangential springs. Peek also describes that a rotation of the mechanism 2 can be prevented by tangential springs 6, 6'. Thus, the springs 6, 6' suppress a rotation of the mechanism 2, which means they block or prevent it from rotational movement.

In the figure shown below, applicants have illustrated the force effect of the blocking devices 6, 6' by arrows with the symbol F. Additionally, a further view was drawn along the axis line A-A. The forces F have also been illustrated therein.

Thus, according to Peek, column 2, lines 7-10 as well as column 1, lines 63-64, the blocking element 6, 6' as well as the blocking element 7, 7' are used to prevent a rotational movement of the mechanism 2. According to Peek, the mechanism 2, 4, merely performs a reciprocating motion.

Applicants do not understand how the Examiner can conclude that the mechanism 2 could rotate, since it is explicitly described with regard to Peek's Figs. 1, 2 and 2a that the springs 6, 6' or the diaphragm 7, 7' expressly suppress rotation.

The Examiner states that the structures would allow for some rotation before becoming active. The springs are under tension (force F) and thus are continuously active. Apparently, the Examiner has interpreted the construction disclosed in the document to Peek relying on hindsight after having knowledge of the present invention. It is respectfully submitted that such a reconstruction of Peek is incorrect and not permitted.

One of ordinary skill in the art would derive different teachings from Peek than what the Examiner has derived with regard to the springs 6 or the diaphragm 7, 7'. The object of Peek is to convert a rotational movement into a reciprocating movement (motion). For this purpose, constructions having springs 6, 6' or a diaphragm 7, 7' are shown from Figs. 1, 2, and 2a. Peek exclusively states with regard to the function of these blocking devices 6, 6', 7, 7', that they prevent a rotation (column 2, lines 61-64, column 2, lines 9-11). One of ordinary skill in the art is taught that the mechanism 2 according to Figs. 1 and 2 is blocked with regard to a rotation. The mechanism 2 does not have rotational movement.

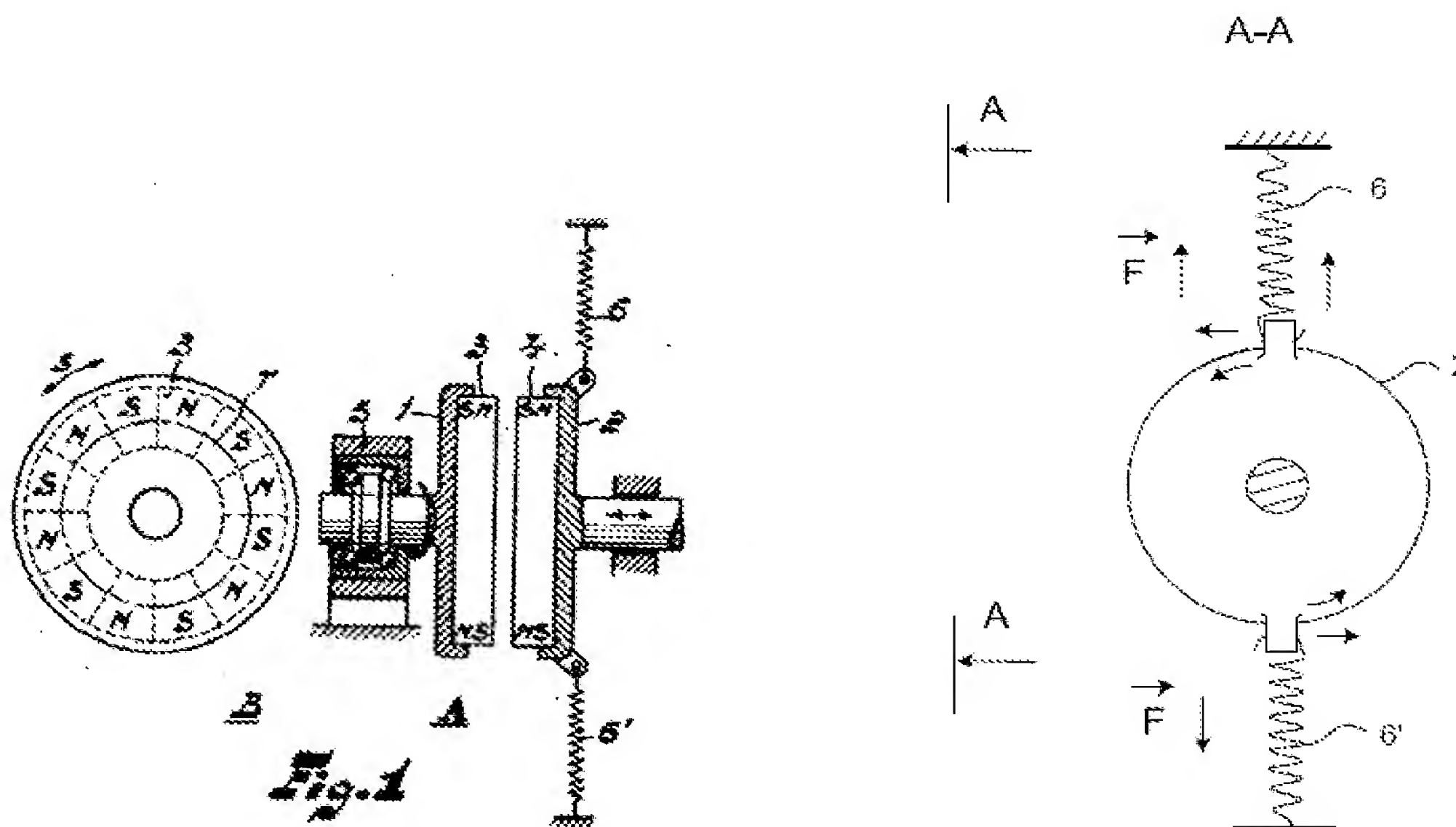
The Examiner's interpretation that a rotational movement is pure conjecture and relying on impermissible hindsight reconstruction of Peek in view of the present claimed invention.

Applicants believe that the Examiner's interpretation with regard to Figs. 1, 2, and 2a is incorrect.

The Examiner comments on Fig. 5 of Peek on page 2 of the above-identified Office Action that the output member would rotate. While this may be correct, the construction shown in Fig. 5 has no rotatable input shaft, since the use of a magnetic alternating field is provided for generating a force effect on the rotatable output shaft. Therefore, a rotational movement of the input shaft according to Fig. 5 is not necessary and is not disclosed. Merely, a rotating magnetic field due to an electrical alternating variable is generated. The device itself remains at rest.

Applicants respectfully submit that the Examiner's interpretation of Fig. 5 is incorrect, since there is no rotatable input shaft. It also is not apparent how the stationary part of Fig. 5 could be combined with the other constructions which show a rotatable input shaft, since, in the case of these constructions, various methods are used for generating a magnetic field in motion (mechanically vs. electrically).

Furthermore, the interpretation of Figs. 1, 2, 2a with regard to the rotatability of the mechanism 2 or 4 is entirely incorrect. Fig. 2, 2a has a diaphragm 7, 7' which is not at all rotatable (a diaphragm such as a membrane of a loudspeaker would not perform a rotational movement, because such movement would destroy the diaphragm).



In the interests of conciseness, applicants' previous arguments in the May 4, 2009 response describing the deficiencies of Peek and the patentable differences between the present claimed invention and Peek are incorporated herein by reference.

In Peek, Figs. 1, 2, 2a, 3 and 4 provide a rotatable input shaft and an output shaft, which is blocked against rotating in order to force a **reciprocating** motion. The present claims preclude a reciprocating motion of the output shaft.

Peek does not show a **"a first blocking device disposed only to limit a rotatability of said output shaft in a first direction of rotation, said first blocking device being operational, and as a function of magnetic forces emanating from said magnetic coupling, to cause said output shaft to rotate in a second direction of rotation opposite to the first direction of rotation, and said output shaft having only rotational movement in the first and second directions"** as recited in claim 7 of the instant application. Independent method claim 11 contains similar limitations. Moreover, dependent claim 14 recites that "said output shaft when operational only rotates in a second direction of rotation opposite to the first direction of rotation" which is not disclosed in Peek.

New dependent claim 15 recites "a blocking lever connected to said output shaft, and **said first blocking device disposed for releasable engagement with said blocking lever such that said first blocking device is operational only prior to movement of the output shaft in the second direction"**, which is not shown in Peek.

New dependent claim 16 recites **"a blocking lever connected to said output shaft and a second blocking device disposed for releasable engagement with said blocking lever at the end of limited rotational movement of said output shaft in**

the second direction of rotation, said first blocking device having no blocking effect during rotational movement in the second direction” which is not shown in Peek.

Peek does not disclose **“said first blocking device is operational only prior to movement of said output shaft in the second direction of rotation”** as recited in new dependent claim 17.

New dependent claim 18 recites that **“...said first and second blocking devices are operational to provide a blocking effect only prior to movement of said output shaft in the second and first directions of rotation, respectively”** which is not shown in Peek.

New independent claim 19 recites **“a first blocking device disposed for releasable blocking contact with said blocking lever only to limit a rotatability of said output shaft in a first direction of rotation, said first blocking device being operational, and as a function of magnetic forces emanating from said magnetic coupling, to disengage said blocking lever to cause said output shaft to rotate in a second direction of rotation opposite to the first direction of rotation and being non-operational to provide blocking contact during the second direction of rotation, said output shaft having only rotational movement in the first and second directions”**, **“a blocking lever connected with said output shaft”**, and **“ a magnetic coupling connecting said input shaft and said output shaft, said magnetic coupling having at least two magnet pairs**

and enabling only a reversal in direction of rotation between said input shaft and said output shaft”, none of which are disclosed in Peek.

It is accordingly believed to be clear that the Peek reference does not show or suggest the features of independent claims 7, 11, or 19. Claims 7, 11, and 19 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 7 or 11, and further with respect to claims 14, 15, 16, 17, and 18, as discussed above.

In view of the foregoing, reconsideration and allowance of claims 1-14 together with new claims 15-19 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one (1) month pursuant to Section 1.136(a) in the amount of \$130.00 in accordance with Section 1.17 is enclosed herewith.

Application No. 10/593,122
Amendment dated 10/28/09
Reply to Office action of 7/16/09

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

/F. Donald Paris/
F. Donald Paris
Reg. No. 24,054

October 28, 2009

Lerner Greenberg Sterner LLP
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101

FDP/bb